

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WILLIAM LUCAS MCVEIGH,

Plaintiff,

v.

PIERCE COUNTY,

Defendant.

CASE NO. C23-5902 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter is before the Court on Magistrate Judge Theresa L. Fricke's Report and Recommendation (R&R), Dkt. 12, recommending that the Court deny pro se Plaintiff William McVeigh's application to proceed *in forma pauperis* and dismiss this action without prejudice for failure to prosecute. *Id.* at 2. Judge Fricke explains that McVeigh did not respond to the two previous orders to either show cause why this case should not be dismissed for failure to state a claim or file an amended complaint. *See* Dkts. 8, 10. Copies of those orders were mailed to McVeigh's address on file and returned to the Court as undeliverable. Dkts. 9, 11.

A district court "shall make a de novo determination of those portions of the report or specified proposed finding or recommendations *to which objection is made.*" 28

1 U.S.C. § 636(b)(1)(C) (emphasis added); *accord* Fed. R. Civ. P. 72(b)(3). “The statute
2 makes it clear that the district judge must review the magistrate judge’s findings and
3 recommendations de novo *if objection is made*, but not otherwise.” *United States v.*
4 *Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). A proper objection requires
5 “specific written objections to the proposed findings and recommendations” in the R&R.
6 Fed. R. Civ. P. 72(b)(2).

7 The R&R was mailed to McVeigh’s address on file and returned to the Court as
8 undeliverable. Dkt. 13. Under this District’s local rules, a party must apprise the Court of
9 any changes in address. *See* Local Rules, W.D. Wash., LCR 10(f). Because McVeigh has
10 failed to do so and has not objected to the R&R, the R&R, Dkt. 12, is **ADOPTED**,
11 McVeigh’s application to proceed *in forma pauperis*, Dkt. 5, is **DENIED**, and this matter
12 is **DISMISSED without prejudice** for failure to prosecute.

13 The Clerk shall enter **JUDGMENT** and close this case.

14 Dated this 2nd day of April, 2024.

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18 BENJAMIN H. SETTLE
19 United States District Judge
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